

STATE OF GEORGIA }
COUNTY OF WAYNE }
CITY OF JESUP }

ORDINANCE
First Reading: MARCH 24, 2020
Second Reading: WAIVED

A DECLARATION AND ORDINANCE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF JESUP, GEORGIA DECLARING A STATE OF EMERGENCY ARISING BECAUSE OF COVID-19 AND TAKING IMMEDIATE EMERGENCY MEASURES.

WHEREAS, the President of the United States declared a National Public Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State Public Health Emergency on March 14, 2020 and urged “local officials to do what’s in the best interests of their communities to keep people safe and stop the spread of coronavirus” on March 19, 2020; and

WHEREAS, the World Health Organization has declared Coronavirus Disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the number of confirmed cases and deaths from COVID-19 is escalating rapidly, internationally, nationally, and locally; and

WHEREAS, based upon the experience of other local governments in Georgia, the number of confirmed cases and deaths from COVID-19 are likely to continue to increase; and

WHEREAS, on March 16, 2020, the Center for Disease Control (CDC) and the President of the United States stated that any gathering of over ten (10) people should be discontinued or prohibited; and

WHEREAS, public health experts, including those at the CDC and the National Institutes of Health (NIH), have advised that individuals infected with COVID-19 are contagious even while experiencing minor or no symptoms and implored leaders to take immediate action to prevent further spread of COVID-19 in their communities; and

WHEREAS, preventing and slowing community spread of COVID-19 provides health systems additional time to obtain personal protective equipment necessary to protect health care workers and medical equipment necessary to treat COVID-19, and is therefore vital to the health of the nation; and

WHEREAS, in the judgment of the Mayor and Board of Commissioners of the City of Jesup, Georgia, there exist emergency circumstances located within its jurisdiction requiring extraordinary and immediate response for the protection of the health, safety, and welfare of the citizens of the community, the state, and the nation; and

WHEREAS, it is essential for the governing authority of the City of Jesup to act immediately in order to minimize the spread of COVID-19 and to prevent or minimize sickness, injury, or death, to people and damage to property resulting from this public health crisis; and

WHEREAS, O.C.G.A. § 38-3-28 provides the political subdivisions of this state with the authority to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes to supplement rules and regulations promulgated by the Governor during a State of Emergency; and

WHEREAS, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members”; and

WHEREAS, the Charter of the City of Jesup provides the governing authority of the City with the authority to take actions deemed necessary to deal with such an emergency for the protection of the safety, health, and well-being of the citizens of the city; and

WHEREAS, given the COVID-19 pandemic, the Mayor and Board of Commissioners shall and do, hereby, permit individual Commissioners to participate

in the official meeting to address this subject matter telephonically, by video conference or by other remote means.

NOW, THEREFORE, IT IS HEREBY DECLARED that a local state of emergency exists within the City and shall continue until the conditions requiring this declaration are abated.

NOW, THEREFORE, the Board of the Commissioners of the City of Jesup, Georgia, which is the governing body of the City of Jesup, Georgia, which again, itself, is a political subdivision of the State of Georgia, resolves to adopt this Ordinance pursuant to said authority; and therefore, the said governing body of the City of Jesup, Georgia, does now resolve, pass, ordain, publish, state and promulgate the following ordinance:

SECTION 1
FINDINGS OF FACT

For purposes of describing the circumstances which warrant the adoption of an emergency ordinance, the Mayor and Board of Commissioners of the City of Jesup, Georgia hereby adopt and make the findings included in the "WHEREAS" clauses as findings of fact.

SECTION 2
DECLARATION OF PUBLIC HEALTH STATE OF EMERGENCY

The Mayor and Board of Commissioners of the City of Jesup, Georgia hereby declare a public health state of emergency within the City of Jesup because of the proliferation of COVID-19 in the United States and the State of Georgia, which will remain in force and effect for fourteen (14) days from the effective date hereof. This Ordinance shall be effective upon its passage.

SECTION 3
PUBLIC GATHERINGS ON CITY PROPERTY

For the duration of the declared emergency, there shall be no public gatherings on any property owned or controlled by the City of Jesup. To avoid confusion, the following definitions shall apply under this Section: a “public gathering” shall mean the organized gathering or assembly of ten (10) or more persons at a specific location; “property owned or controlled by the City” shall include any park, public square, public space, playground, recreational area, or similar place of public gathering, but nothing herein shall prohibit individuals or families from using sidewalks or designated pedestrian areas of parks for walking or other exercise if they are not participating in an organized gathering.

SECTION 4
CLASSIFICATION OF CITY SERVICES

For the duration of the declared emergency, the City Manager shall be vested with the following discretion and authority, to wit:

- (a) To categorize City services as either “required” or “discretionary,” and to periodically review and modify such categories.
- (b) To assign specific employees to required or discretionary services, and to periodically review and modify such assignments.
- (c) To use his or her discretion to permit employees to telework.
- (d) To temporarily suspend the provision of discretionary services and to direct employees who provide discretionary services not to report to work until such time as the service suspension is lifted or until such time as the City Manager redirects the employee to other services.
- (e) To contract for and expend non-budgeted sums and services, as may in his or her discretion be required to meet the demands upon government and services of the City for the duration of the declared emergency, including therein authority to

spend such sums from the reserves of the City. Any such non-budgeted expenditures shall be reported to the governing authority of the City.

SECTION 5

EATING ESTABLISHMENTS

Restaurants and other eating and dining establishments where food is served must cease offering dine-in services but may continue preparing and offering food to customers via delivery, drive-through, take-out and curbside services. At all times, patrons, employees, subcontractors and contractors of and visitors to all such establishments must maintain at least six (6) feet of personal distance between themselves as much as possible given the physical constraints of the premises.

SECTION 6

CLOSURE OF CERTAIN BUSINESSES

Gyms, fitness centers, pools, social clubs, amusement facilities, bowling alleys, pool halls, theaters, skating rinks, community centers, bars, nightclubs, parks, recreational facilities, massage parlors, tattoo parlors, hair salons, barber shops and nail salons located within the City of Jesup must close and remain closed for the duration of this emergency. Bars and nightclubs for purposes of this Ordinance shall mean those establishments that meet the definition of "Bar" as set out in Section 3-1-2(2.1) of the Official Code of Georgia Annotated.

SECTION 7

PERSONAL DISTANCE REQUIREMENTS

Any other businesses, not-for-profits or other organizations which remain open during the emergency must undertake measures to ensure that consumers maintain at least six (6) feet of personal distance between themselves and others as much as is possible given the physical constraints of the premises and post signage on entrance doors informing consumers to maintain at least six (6) feet of personal distance.

SECTION 8
OTHER PUBLIC GATHERINGS

All public and private gatherings of more than ten (10) people occurring outside of a household or living unit are prohibited if such gatherings require persons to stand or to be seated within six (6) feet of any other person. For gatherings of ten (10) or fewer people occurring outside a household or living unit, participants must likewise maintain at least six (6) feet of personal distance between themselves and others. Nothing in this ordinance, however, prohibits the gathering of individuals for the purposes of carrying on business certified as “essential” by the Georgia Emergency Management Agency pursuant to O.C.G.A. § 38-3-58 or designated by the Governor as “critical infrastructure” or the provision of medical or health services.

The City Manager, Chief of Police and their respective official designees are further given the express authority to enforce the executive order of the Governor of the State of Georgia dated March 23, 2020, concerning the gatherings of ten (10) or more persons and other subject matter related to the COVID-19 health emergency. A copy of the Governor’s said executive order is attached to this Ordinance as Exhibit “1”.

SECTION 9
EMERGENCY INTERIM SUCCESSOR TO MANAGER/ADMINISTRATOR

The governing authority desires to make certain that the chain of authority within city management is clear. If the City Manager is unable to perform his or her duties, then the City Clerk shall act as the emergency interim successor pursuant to O.C.G.A. § 38-3-50 and shall assume the duties of the City Manager. Should the emergency interim successor be unable to perform those duties, the Mayor, as Chief Executive Officer of the City, shall then assume those duties.

SECTION 10
PROCUREMENT

The governing authority hereby suspends the bid and competitive portions of the City's Procurement Policy or ordinances and authorize the City Manager to utilize the single-source policy and to require departments to provide a written justification for the procurement during the effective dates of this Resolution and/or utilize any emergency procurement provisions contained. City officials shall continue to seek the best prices during the state of emergency.

SECTION 11
CONFLICTS

All ordinances or parts of ordinances in conflict with the provisions of this Declaration are hereby suspended during the effective dates of this Declaration (or any extension thereof) and the terms and provisions of this Declaration shall prevail.

EXECUTION AND EFFECTIVENESS

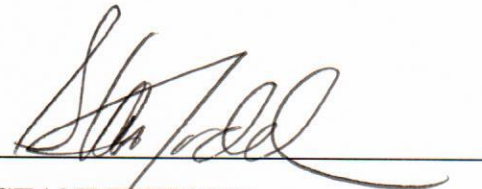
After adoption by the Mayor and Board of Commissioners, this Ordinance shall become effective at 11:59 p.m. on March 24, 2020. Approval and adoption shall be by oral vote of the Mayor and Board of Commissioners. Those Commissioners who affirmatively vote in favor of this Ordinance, but who are not physically present at the official meeting to address this subject matter, but who otherwise participate in said official meeting telephonically, by video conference or by other remote means, may and do hereby authorize the Mayor to execute this Ordinance on their behalf. Said execution by proxy shall occur only upon the express oral authorization by the authorizing Commissioner or Commissioners.

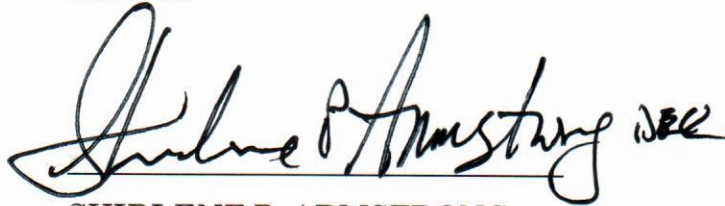
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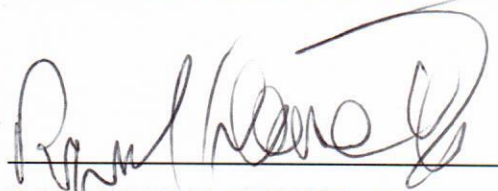
SIGNATURES APPEAR ON THE FOLLOWING PAGES.


PASSED, RESOLVED AND ORDAINED ON THIS 24TH DAY OF MARCH,
2020.

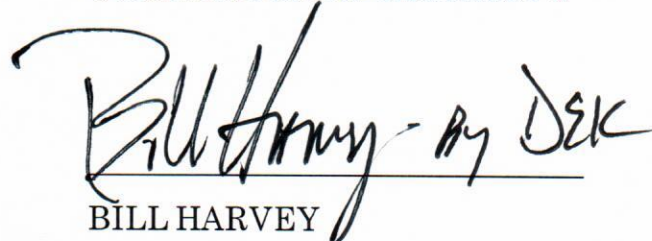


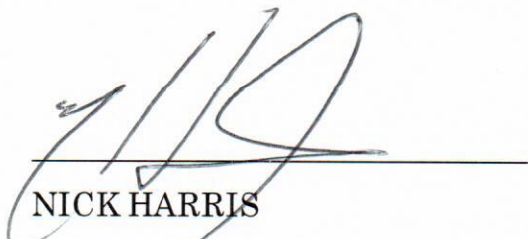
DAVID EARL KEITH
MAYOR

STANLEY TODD
COMMISSIONER- DISTRICT 4

SHIRLENE P. ARMSTRONG
COMMISSIONER-DISTRICT 1

RAYMOND D. HOUSE, II
COMMISSIONER-DISTRICT 5

DON A. DARDEN, SR.
COMMISSIONER-DISTRICT 2

BILL HARVEY
COMMISSIONER-DISTRICT

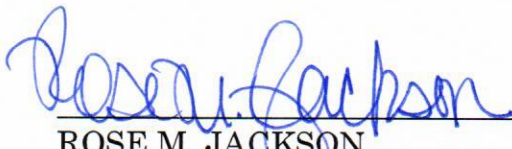
NICK HARRIS
COMMISSIONER-DISTRICT 3

STATE OF GEORGIA }}
COUNTY OF WAYNE }}
CITY OF JESUP }}

CITY CLERK'S CERTIFICATION:

THE FOREGOING ORDINANCE WAS BROUGHT BEFORE THE COMMISSIONERS OF THE CITY OF JESUP, GEORGIA ON THE 24TH DAY OF MARCH, 2020, DURING A SPECIAL MEETING, AND AT SUCH MEETING WAS PASSED BY A MAJORITY OF THE COMMISSIONERS PRESENT, WHICH SUCH MAJORITY ALSO REPRESENTED A QUORUM OF THE COMMISSIONERS.

THE FOREGOING ORDINANCE WAS THEREAFTER FINALLY PASSED BY THE COMMISSIONERS OF THE CITY OF JESUP, GEORGIA ON THE 24TH DAY OF MARCH, 2020, DURING A SPECIAL MEETING DURING WHICH THIS ORDINANCE WAS BROUGHT BEFORE THE COMMISSIONERS OF THE CITY OF JESUP FOR A SECOND AND FINAL READING.




ROSE M. JACKSON
CITY CLERK

STATE OF GEORGIA }}
COUNTY OF WAYNE }}
CITY OF JESUP }}

**CITY ATTORNEY
APPROVAL OF FORM**

THIS ORDINANCE AND CERTIFICATION IS APPROVED AS TO FORM:



DAVID MICHAEL CONNER
CITY ATTORNEY



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and
- WHEREAS:** The number of COVID-19 cases in Georgia continues to rise; and
- WHEREAS:** The Georgia Department of Public Health has determined that COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread; and
- WHEREAS:** The Centers for Disease Control and Prevention has determined that older adults and people of any age who have serious underlying medical conditions may be at higher risk for more serious complications from COVID-19; and
- WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and
- WHEREAS:** Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and
- WHEREAS:** Code Sections 31-2A-4 and 31-12-4 vest the Department of Public Health with the power to segregate and isolate individuals with certain communicable diseases or conditions when said individuals' exposure to the general population is likely to endanger the health of others; and

WHEREAS: In consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO THE AFOREMENTIONED GEORGIA LAW AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the Department of Public Health shall order certain persons within the State of Georgia who have serious underlying conditions likely to cause an increased spread of COVID-19, if such persons were to become infected, to isolate, quarantine, or shelter in place within their homes or place of residence. This order by the Department of Public Health shall include the following populations within the State:

- (1) Those persons who live in a nursing home or long-term care facility;
- (2) Those persons who have chronic lung disease;
- (3) Those persons who are currently undergoing cancer treatment; and
- (4) Those persons included in Department of Public Health Administrative Order 03.22.20.01.

IT IS FURTHER

ORDERED: That the Department of Public Health shall promulgate rules and regulations necessary to effectuate this Order, including provisions to allow persons quarantined, isolated, or sheltered in place according to this Order to seek essential services, make necessary travel, and receive specific visitors in end-of-life circumstances.

IT IS FURTHER

ORDERED: That all businesses which possess a license to operate as or otherwise meet the definition of "Bar" as defined by Code Section 3-1-2(2.1) shall cease operation while this Order is in effect.

IT IS FURTHER

ORDERED: That no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or to be seated within six (6) feet of any other person.

IT IS FURTHER

ORDERED: That the Department of Public Health is authorized to mandate the closure of any business, establishment, corporation, non-profit

corporation, or organization not in compliance with this order for a period not to extend beyond the term of this Order.

IT IS FURTHER

ORDERED: That the Commissioner of the Department of Public Safety shall provide available resources to assist in the enforcement of this Order.

IT IS FURTHER

ORDERED: That in order to mitigate the possibility of more severe action in the future, the Department of Public Health, in accordance with Code Section 38-3-51(i)(1)(E), shall undertake a public information activities to encourage organizations and businesses to protect the public by adhering to Centers for Disease Control and Prevention guidelines for preventing the spread of the novel coronavirus, COVID-19. The public information campaign shall encourage businesses to undertake more extensive sanitation efforts, to encourage curbside pick-up or home delivery of purchased items, to limit personal interaction during transactions, and to limit the number of persons within their place of business.

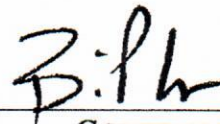
IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective for a period of fourteen days, beginning at 12:00 P.M. on Tuesday, March 24, 2020, and expiring at 12:00 P.M. on Monday, April 6, 2020.

This 23rd day of March 2020, at 5:58 P.M.



GOVERNOR